

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| RIZZARI CONSTRUCTION,    | ) |                                    |
| Plaintiff                | ) | DOCKET #: 1:05-cv-10434-GAO)       |
|                          | ) |                                    |
| v.                       | ) | <b>AFFIDAVIT IN SUPPORT OF</b>     |
|                          | ) | <b>ASSENTED MOTION TO CONTINUE</b> |
| GRANITE INDUSTRIAL GASES | ) |                                    |
| INC., and TODD MILLER,   | ) |                                    |
| individually             | ) |                                    |
| Defendants               | ) |                                    |

Now comes Richard P. Heartquist who, under oath, deposes and states the following:

1. Plaintiff's Counsel will be out of the state on the scheduled date.
2. The Defendant's attorney has been notified of this motion and assents.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 12<sup>TH</sup> DAY OF  
SEPTEMBER 2007.

/s/ Richard P. Heartquist  
Richard P. Heartquist